

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	22-CR-458(LDH)
	:	
	:	
-against-	:	United States Courthouse
	:	Brooklyn, New York
	:	
	:	
LINGMING ZENG,	:	Monday, January 29, 2024
	:	3:00 p.m.
Defendant.	:	
	:	
	:	

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TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING
BEFORE THE HONORABLE SANKET J. BULSARA
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

For the Government:	BREON S. PEACE UNITED STATES ATTORNEY EASTERN DISTRICT OF NEW YORK 271 Cadman Plaza East Brooklyn, New York 11201 BY:RAFFAELA BELIZAIRE BENJAMIN WEINTRAUB Assistant United States Attorney
For the Defendant:	R-SQUARE, ESQ., PLLC 112 West 34th Street - 18th Floor New York, New York 10120 BY:ROYCE RUSSELL, ESQ.
Court Reporter:	LINDA A. MARINO, OFFICIAL COURT REPORTER 225 Cadman Plaza East/Brooklyn, NY 11201 lindacsr@aol.com

Proceedings recorded by mechanical stenography, transcript
produced by Computer-Aided Transcription.

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1 THE COURTROOM DEPUTY: We are here on criminal case
2 22-CR-548, USA v. Zeng.

3 Counsel, please state your appearances for the
4 record, starting with Government.

5 MR. WEINTRAUB: Good afternoon, your Honor. Ben
6 Weintraub and Raffaella Belizaire for the United States.

7 THE COURT: Good afternoon.

8 MR. RUSSELL: Good afternoon. Royce Russell
9 representing Mr. Lingming Zeng.

10 THE COURT: Good afternoon.

11 And good afternoon, Mr. Zeng.

12 Just give me one moment while I get everything in
13 order.

14 (Pause in proceedings.)

15 THE COURT: Mr. Russell, I just want to confirm
16 that, and I may ask this again, but I want to confirm that
17 your client is ready to proceed today.

18 MR. RUSSELL: My client is ready to proceed, your
19 Honor.

20 THE COURT: And has he had enough time to meet with
21 the interpreter -- sorry, not meet with the interpreter but to
22 have the relevant documents explained to him via an
23 interpreter?

24 MR. RUSSELL: That is correct. The last meeting in
25 explanation was on Friday.

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1 THE COURT: Okay. Let me ask the Government, I have
2 an updated agreement.

3 Is the only change to the agreement the date on
4 which the plea is to be taken in order to get acceptance and
5 responsibility credit?

6 MR. WEINTRAUB: Yes, your Honor.

7 THE COURT: Mr. Zeng, I'm advised by your lawyer
8 that you wish to plead guilty to some of the charges contained
9 in the indictment that's been filed against you.

10 Is this correct?

11 THE DEFENDANT: Yes.

12 THE COURT: This is a serious decision. I have to
13 make sure you understand what it means to enter a guilty plea,
14 what rights you'd be giving up if you entered a guilty plea,
15 and the consequences of entering a guilty plea in your case.
16 And I will be asking you some questions and it's very
17 important that your answers to my questions be made under
18 oath.

19 And, so, what I'm going to have you do is be sworn
20 in now by my deputy, Mr. Manson, and, if you could, just
21 follow his instructions.

22 THE DEFENDANT: Okay.

23 THE COURTROOM DEPUTY: Would you please stand?

24 Do you solemnly affirm that the testimony you're
25 about to give will be the truth, the whole truth, and nothing

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1 but the truth?

2 THE DEFENDANT: Yes.

3 THE COURT: You may have a seat.

4 Mr. Zeng, do you understand that now that you've
5 been sworn, your answers to my questions are subject to the
6 penalty of perjury or making a false statement if you don't
7 answer truthfully?

8 THE DEFENDANT: Yes.

9 THE COURT: To be clear, what that means is if I ask
10 you a question and you tell me a lie, the Government could
11 prosecute you for making a false statement and use what you
12 say today in such a case against you.

13 Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: Now, the first thing, Mr. Zeng, I want
16 you to understand is that this is Judge DeArcy Hall's case.
17 She is the judge who will sentence you and make the ultimate
18 decision on whether to accept your plea. Now, if you wish,
19 you have an absolute right to enter your plea before her.
20 There would be no prejudice to you.

21 As an alternative, I will listen to your plea today.
22 As you can see, we have a court reporter present who is
23 preparing a transcript of today's proceedings. Judge DeArcy
24 Hall will review the transcript in connection with your
25 sentencing and make a decision on whether to accept your plea.

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1 Do you understand?

2 THE DEFENDANT: I understand.

3 THE COURT: And do you wish to give up your right to
4 have Judge DeArcy Hall hear your plea and do you wish to
5 proceed instead before me?

6 THE DEFENDANT: Yes.

7 THE COURT: Is your decision to proceed before me
8 voluntary and of your own free will?

9 THE DEFENDANT: Yes.

10 THE COURT: Has anyone threatened you or forced you
11 or pressured you or made any promises to you that are causing
12 you to proceed before me?

13 THE DEFENDANT: No.

14 THE COURT: I'm marking as Court Exhibit 1 a consent
15 to have a plea taken before United States Magistrate Judge.

16 (Court Exhibit 1 so marked.)

17 THE COURT: Mr. Zeng, can you just confirm for me
18 that this is your signature on this document?

19 THE DEFENDANT: It is.

20 THE COURT: And was this document translated for you
21 either word-for-word or in substance explained to you what it
22 means?

23 THE DEFENDANT: Yes.

24 THE COURT: I note that Court Exhibit 1, the consent
25 form, has been signed by Mr. Zeng, it's been signed by his

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1 lawyer, it's been signed by the Government. And based upon
2 this document, as well as the colloquy, meaning the questions
3 and answers I went over with Mr. Zeng, I find that his consent
4 to proceed before me is voluntary and of his own free will;
5 and, therefore, I will proceed to take his plea.

6 Now, Mr. Zeng, before I can accept a plea or take
7 your plea, I need to ask you some questions to make sure that
8 any plea we take today is a valid one. So, I'm going to be
9 asking you some questions. If you don't understand what I'm
10 asking you, let me know, and I'll rephrase, okay?

11 Sir, can you tell me what your full name is?

12 THE DEFENDANT: Yes, Lingming Zeng.

13 THE COURT: And Mr. Zeng, how old are you?

14 THE DEFENDANT: I am 39 years old.

15 THE COURT: And how far did you get in school, sir?

16 THE DEFENDANT: I only went to elementary school.

17 THE COURT: And you're understanding today's
18 proceedings through an interpreter; is that correct?

19 THE INTERPRETER: Sorry, little technical issue.

20 (Pause in proceedings.)

21 THE INTERPRETER: Okay.

22 THE COURT: Mr. Zeng, you're understanding today's
23 proceedings through the assistance of an interpreter; is that
24 correct?

25 THE DEFENDANT: Yes.

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1 THE COURT: And sir, are you currently under the
2 care of a doctor or a psychiatrist for any reason?

3 THE DEFENDANT: No.

4 THE COURT: In the last 24 hours, have you had any
5 drugs or medicine or pills?

6 THE DEFENDANT: No.

7 THE COURT: And have you had any alcoholic beverages
8 in the last 24 hours?

9 THE DEFENDANT: No.

10 THE COURT: And sir, have you ever been hospitalized
11 or treated for drug addiction or alcoholism?

12 THE DEFENDANT: No.

13 THE COURT: Have you ever been treated or
14 hospitalized for any mental or emotional health condition?

15 THE DEFENDANT: No.

16 THE COURT: Is your mind clear, sir?

17 THE DEFENDANT: Yes.

18 THE COURT: You understand what's going on here
19 today?

20 THE DEFENDANT: I do.

21 THE COURT: Mr. Zeng, as someone who has been
22 charged in a federal criminal case, you have certain rights.
23 One of the rights you have is a right to counsel, which is a
24 right to a lawyer.

25 You have a right to have a lawyer represent you at

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1 every stage of your case, from the time you're arrested or
2 charged to however your case may end, including any trial or
3 any appeal. And if you couldn't afford a lawyer, the Court
4 would appoint one for you.

5 Do you understand what I've explained?

6 THE DEFENDANT: Yes.

7 THE COURT: Is Mr. Russell your lawyer?

8 THE DEFENDANT: Yes.

9 THE COURT: If at any time today you wish to speak
10 with him for any reason at all, maybe because you have a
11 question, you want some reassurance, any reason at all, I will
12 permit you to do so. You just need to let me know.

13 Okay?

14 THE DEFENDANT: I will.

15 THE COURT: Have you had any difficulty meeting or
16 communicating with Mr. Russell?

17 THE DEFENDANT: My attorney and I have communicated.

18 THE COURT: Have you had enough time to discuss your
19 decision to enter a plea with him?

20 THE DEFENDANT: Yes.

21 THE COURT: And are you fully satisfied with the
22 representation and advice that he's given you?

23 THE DEFENDANT: Yes, I'm very satisfied.

24 THE COURT: Mr. Russell, have you met with your
25 client about entering a plea today and his case generally?

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1 MR. RUSSELL: Yes, I have.

2 THE COURT: Have you had any difficulty meeting with
3 him or discussing the case with him?

4 MR. RUSSELL: No.

5 THE COURT: Are you fully satisfied that he
6 understands the rights he'd be waiving if he were to enter a
7 plea today?

8 MR. RUSSELL: Yes. With the assistance of an
9 interpreter, he's fully competent to understand.

10 THE COURT: And you believe that he's capable of
11 understanding today's proceedings?

12 MR. RUSSELL: Yes.

13 THE COURT: Do you have any doubt at all about his
14 competence to enter a guilty plea?

15 MR. RUSSELL: No, I do not.

16 THE COURT: Have you discussed with him the maximum
17 and minimum fine and sentence that could be imposed upon him
18 on the charges if he were to enter a plea?

19 MR. RUSSELL: Yes.

20 THE COURT: Have you discussed with him the
21 sentencing guidelines and how the guidelines might effect his
22 case?

23 MR. RUSSELL: We discussed the potential sentencing
24 guidelines, correct.

25 THE COURT: All right. And Mr. Russell, did you

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1 with the assistance of an interpreter discuss the indictment
2 with Mr. Zeng?

3 MR. RUSSELL: Many occasions.

4 THE COURT: Okay.

5 Mr. Zeng, did you have an opportunity to discuss the
6 charges in the indictment with your lawyer?

7 THE DEFENDANT: Yes, last Friday and we often
8 discuss about that.

9 THE COURT: What I'm going to do right now just to
10 make sure you understand is tell you what the Government has
11 charged you with, okay?

12 The charging document in the case is an indictment,
13 okay?

14 The first count of that indictment charges you with
15 a felony. And that felony, the title of it, is a conspiracy
16 to commit bank fraud.

17 The Government alleges that you engaged in or
18 entered into an illegal agreement. And the illegal agreement,
19 its objective or purpose was to commit bank fraud, okay?

20 And specifically, the indictment alleges that in
21 between or around September 2020 and May 2022, you, along with
22 others, conspired or entered into an agreement to defraud one
23 or more financial institutions. And the purpose of that
24 agreement was to defraud those institutions of money and
25 property or funds and assets and specifically by using or

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1 making one or more false statements.

2 Do you understand what I've explained to you, sir,
3 this first count?

4 THE DEFENDANT: Yes.

5 THE COURT: In Count Eight --

6 MR. WEINTRAUB: Just to -- is the Court going to
7 read only the counts he's pleading to or the counts he's
8 charged with?

9 THE COURT: My typical practice, unless you believe
10 I should do something else here, I would only be discussing
11 the counts that I understand Mr. Zeng is intending to enter a
12 guilty plea to.

13 MR. WEINTRAUB: That works perfectly. There was
14 Count Seven that he was charged with. I just wanted to make
15 sure we didn't skip it.

16 THE COURT: In Count Eight, you're charged with a
17 conspiracy to operate an unlicensed money transfer business.
18 This is also a felony.

19 And the Government alleges that between January 2021
20 and July 2022, you entered into an illegal agreement whose
21 objective was to operate what's known as an unlicensed money
22 transmitting business; and specifically, the business that's
23 called Zhang's Cash to Carriers Check Business. And the
24 Government alleges that there were various what are known as
25 overt acts or steps that were taken to further or carry out

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1 that illegal agreement to operate this illegal business, okay?

2 And the indictment alleges specific acts, the
3 Government alleges, you or other members of the conspiracy,
4 other members who participated in the illegal agreement,
5 carried out.

6 Do you understand what I've explained, sir?

7 THE DEFENDANT: Yes.

8 THE COURT: Now, in Count Eleven, the Government has
9 charged you with a felony that's called a money laundering
10 conspiracy, okay?

11 And here, the Government alleges that you were a
12 member of a conspiracy, you joined an illegal agreement, whose
13 objective was money laundering. And specifically, they allege
14 that the objective or purpose of that conspiracy was to use
15 financial institutions and engage in financial transactions
16 with proceeds that were derived from unlawful activity, okay?

17 And they allege that the amount of those proceeds
18 was greater than \$10,000 and that the proceeds were derived
19 from specific unlawful activity; specifically, wire fraud.

20 Do you understand what I've explained, sir?

21 THE DEFENDANT: Yes.

22 THE COURT: And Mr. Zeng, in Count Twenty-Eight, the
23 Government has alleged what's known as a conspiracy to commit
24 passport fraud. And again, this is a felony.

25 And, again, this is an illegal agreement that the

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1 Government alleges that you participated in or joined in. And
2 here, the Government alleges that the purpose of this illegal
3 agreement was to use false or forged or counterfeit passports
4 or things that were supposedly passports and the Government
5 has alleged that you and other members of the conspiracy took
6 steps to carry out this illegal scheme related to passport
7 fraud.

8 Do you understand what I've explained, sir?

9 THE DEFENDANT: Yes.

10 THE COURT: Now, Mr. Zeng, when somebody pleads
11 guilty to a felony offense in federal court, they're giving up
12 their right to a trial, to have a jury determine their guilt,
13 okay?

14 In order for you to fully understand what it means
15 to give up that right, I'm going to explain to you what
16 happens during a jury trial, okay?

17 In a jury trial in a federal criminal case, it's the
18 Government that bears the burden of proof. It's their burden
19 to prove your guilt. And they have to do that beyond a
20 reasonable doubt. You don't have to prove your innocence,
21 okay?

22 And in order for the Government to get a jury to
23 return a guilty verdict against you on any of these counts,
24 they have to prove certain things. Those things are called
25 elements, okay?

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1 And what I'm going to do is explain to you for each
2 of these offenses that you're charged with in the indictment
3 what the Government would have to prove to a jury in order for
4 that jury to return a guilty verdict against you on that
5 charge.

6 Do you understand what I'm about to explain to you,
7 sir?

8 THE DEFENDANT: Yes.

9 THE COURT: The first count of the indictment
10 charges you with, as I mentioned, conspiracy to commit bank
11 fraud. And I mentioned that that's an illegal agreement the
12 Government alleges you joined.

13 For the Government to get a jury to return a guilty
14 verdict on that charge, they've got to prove that two or more
15 people formed an unlawful agreement whose purpose was to
16 commit bank fraud. Then they have to prove that you knowingly
17 and intentionally joined that agreement.

18 But what does it mean to have an illegal objective
19 to commit bank fraud?

20 That basically means the objective of this illegal
21 conspiracy was a scheme to defraud a bank with an intention to
22 defraud that bank and to defraud banks that are insured by
23 what is known as the Federal Deposit Insurance Corporation, or
24 FDIC.

25 In other words, to recap, the Government has to

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1 prove that two or more people formed an unlawful agreement,
2 they've got to prove that you joined that unlawful agreement,
3 and they've got to prove that the purpose of that agreement
4 was to commit bank fraud, as I've explained what that is,
5 which is a scheme to defraud a bank whose deposits are insured
6 by the FDIC.

7 Do you understand what I've explained, sir?

8 THE DEFENDANT: Yes.

9 THE COURT: Mr. Zeng, in Count Eight, as I
10 mentioned, the Government has charged you with conspiring to
11 operate an unlicensed money-transmitting business.

12 For the Government to get a jury to return a guilty
13 verdict on that charge, they've got to prove that two or more
14 people entered into an unlawful agreement, that you joined
15 that unlawful agreement intentionally and with knowledge, that
16 one member of that agreement committed an overt act, meaning
17 they took some step to further or carry out that illegal
18 agreement. And here the illegal agreement, the purpose, the
19 Government alleges, is to operate an unlicensed money
20 transmitting business, okay?

21 And basically, what that is is a purpose to operate
22 a business that transmits money across state lines or across
23 international lines that's unlicensed and to have someone, a
24 person, control or manage or operate or supervise that
25 unlawful business.

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1 So, to recap, the Government alleges that there was
2 a conspiracy to operate an unlicensed money-transmitting
3 business. Two or more people have to have formed that
4 agreement. They have to prove that you joined that agreement
5 knowingly, intentionally, that somebody took some step to
6 carry out that agreement in furthering or carrying out the
7 purpose of that agreement, which was to operate a
8 money-transmitting business that was unlicensed.

9 Do you understand what I've explained, sir?

10 THE DEFENDANT: Yes.

11 THE COURT: In Count Eleven, the Government alleges
12 that there was a conspiracy to commit money laundering.

13 For the Government to have a jury return a guilty
14 verdict on that charge, they've got to show that there were
15 two or more people who joined an unlawful agreement, that you
16 became a member of that unlawful agreement with knowledge and
17 an intention to join that agreement, and that the objective of
18 that agreement was to commit money laundering; in other words,
19 the purpose of that agreement was to commit money laundering.

20 What's money laundering?

21 That's when someone engages in a transaction that
22 effects interstate commerce, which means it could be money
23 that crosses state or international lines, the money or the
24 transaction involving the money involves proceeds that are
25 greater than \$10,000, those proceeds are derived from illegal

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1 activity, and the people engage in that transaction with
2 knowledge that the proceeds involved in the transaction are
3 derived from illegal activity.

4 And in order for it to be money laundering, the
5 transaction has to either take place in the United States or
6 the person being charged with it has to be a U.S. citizen or
7 national or permanent resident.

8 To recap, the Government has alleged that you are a
9 member of a conspiracy to engage in money laundering. To
10 prove that, they've got to show there was an agreement by two
11 or more people to engage in money laundering, that you became
12 a member of that agreement, and the money laundering involved
13 transactions greater than \$10,000 and involves money or
14 property that are proceeds that are derived from illegal
15 activity.

16 Do you understand what I've explained, sir?

17 THE DEFENDANT: Yes.

18 THE COURT: In Count Twenty-Eight, which is the
19 conspiracy to commit passport fraud, for a jury to return a
20 guilty verdict on that count, the Government has to prove that
21 two or more people entered into an unlawful agreement whose
22 purpose was to commit passport fraud, they've got to prove
23 that you joined that illegal agreement knowingly and
24 willfully, they've got to show that somebody took -- one
25 member of that illegal agreement took a step to further or

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1 carry out that illegal agreement. And, as I mentioned, here
2 the charge is that the purpose of the illegal agreement was to
3 commit passport fraud.

4 Passport fraud, what is that?

5 That's the use or attempted use or giving to another
6 person a false or forged or counterfeit passport or something
7 that purports to be a passport.

8 So, to recap, the Government has alleged that you
9 engaged in a conspiracy to commit passport fraud, which means
10 they're alleging that two or more people entered into an
11 unlawful agreement whose objective was to use, attempt to use,
12 false, forged, or counterfeit passports or things that purport
13 to be passports, and that you intentionally joined that
14 agreement with knowledge of what you were doing and that some
15 member of that illegal agreement took some step to carry out
16 or further that agreement.

17 Do you understand what I've explained, sir?

18 THE DEFENDANT: I understand everything now.

19 THE COURT: Does the Government believe I've
20 correctly summarized the charge and the elements?

21 MR. WEINTRAUB: Yes, your Honor.

22 THE COURT: Mr. Russell, do you agree?

23 MR. RUSSELL: Yes.

24 THE COURT: Mr. Zeng, what I'd like to go over now
25 with you is the rights you have and the rights that you'd be

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1 giving up if you entered a guilty plea.

2 First of all, you previously entered a plea of not
3 guilty, which means you have a right to plead not guilty and
4 continue with your not guilty plea.

5 Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: What that means is even if you are
8 guilty, you have a choice. It's up to you to decide what to
9 do. You don't have to enter a guilty plea today. It's not up
10 to your lawyer what to do, it's not up to me, it's not even up
11 to the Government as to what to do.

12 If you wish, you can keep your not guilty plea and
13 proceed to trial or you can withdraw your not guilty plea and
14 enter a guilty plea, as I hear you wish to do.

15 Do you understand?

16 THE DEFENDANT: Yes.

17 THE COURT: If you continue with your not guilty
18 plea, you're entitled to, under the Constitution and laws of
19 the United States, to what is known as a speedy and public
20 trial. And that's before a jury, and you would have the
21 assistance of your lawyer at that trial and the trial would be
22 about the charges against you in the indictment.

23 Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: Now, as I mentioned before, at any

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1 trial, you would be presumed innocent. You would not have to
2 prove your innocence. Under the Constitution and laws of the
3 United States, no person is required to prove their innocence.

4 It's the Government's burden to prove your guilt and
5 do so beyond a reasonable doubt. If the Government failed to
6 meet its burden of proof on any count, the jury would be
7 required to find you not guilty on that particular charge.

8 Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: Now, during a trial, witnesses for the
11 Government would come forward and they'd have to testify in
12 your presence in court. Your lawyer would have the
13 opportunity and ability to cross-examine those witnesses, to
14 offer argument on your behalf, to object to evidence offered
15 by the Government, and to also offer evidence on your behalf
16 if that's what you wish to do.

17 Do you understand that?

18 THE DEFENDANT: Yeah.

19 THE COURT: Your lawyer would also have the right
20 and ability to subpoena or compel or force witnesses to come
21 to court and testify in your case.

22 Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: Now, if at a trial you wanted to testify
25 in your own case, you could do that.

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1 On the other hand, if you chose not to testify you
2 wouldn't be forced to. You could not be forced to. And
3 that's because under the Constitution and laws of the United
4 States, no person can be forced to be a witness against
5 himself or herself.

6 If you had a trial and you chose not to testify,
7 Judge DeArcy Hall would be required to inform the jury that
8 they could not hold that fact, meaning your decision not to
9 testify, they couldn't hold that against you in deciding
10 whether or not the Government had met its burden of proof.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: Now, if instead of going to trial you
14 plead guilty to the charges or some of the charges in the
15 indictment and Judge DeArcy Hall accepts your guilty plea,
16 you're giving up your right to a trial and all the other
17 rights I've mentioned. There will not be a trial in the case.
18 The Court will simply enter a judgment of guilty based upon
19 today's plea proceedings.

20 Do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: Now, if you do plead guilty, I'm going
23 to have to -- if you decide to plead guilty, I'm going to have
24 to ask you questions about what you did in order to satisfy
25 myself and Judge DeArcy Hall that you are, in fact, guilty of

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1 some crime.

2 What that means is you have to answer my questions,
3 you have to acknowledge your guilt, but, most importantly, it
4 means that you are giving up your right not to be a witness
5 against yourself.

6 Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: If you enter a guilty plea today and if
9 you admit to criminal conduct and if Judge DeArcy Hall accepts
10 your plea, you cannot appeal to a higher court about whether
11 or not you committed those crimes or not; do you understand?

12 That would be over by your plea; do you understand
13 that, sir?

14 THE DEFENDANT: Yes.

15 THE COURT: So, you're willing to give up your right
16 to trial and each of the other rights I've mentioned, sir?

17 THE DEFENDANT: Yes.

18 (Court Exhibit 2 so marked.)

19 THE COURT: I have what has been marked as Court
20 Exhibit 2, which is an agreement that's been signed by the
21 Government, Mr. Zeng, his counsel, and it indicates it's been
22 translated.

23 Mr. Zeng, did you read this agreement carefully?

24 THE DEFENDANT: Yes.

25 THE COURT: And you discussed it with your lawyer?

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1 THE DEFENDANT: Yes.

2 THE COURT: You believe you understand it?

3 THE DEFENDANT: Yes.

4 THE COURT: And does the Government represent that
5 Court Exhibit 2 is the entirety of the understanding that the
6 U.S. Attorney's Office has reached with Mr. Zeng?

7 MR. WEINTRAUB: Yes.

8 MR. RUSSELL: Your Honor, may I interject?

9 THE COURT: Yes.

10 MR. RUSSELL: I just want to make sure it's clear,
11 the plea agreement was read to him despite the language
12 barrier, just given his level of education.

13 THE COURT: Thank you.

14 Mr. Zeng, this agreement, it was translated for you
15 orally, word-for-word?

16 THE DEFENDANT: Yes.

17 THE COURT: And any questions you had about it and
18 what it meant, it was explained to you, sir?

19 THE DEFENDANT: No.

20 THE COURT: Sorry, any questions you had about the
21 agreement, were they answered?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. And was your lawyer there to
24 assist you in answering any questions you had about the
25 agreement?

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1 THE DEFENDANT: Yes.

2 THE COURT: Mr. Russell, you've reviewed the
3 agreement with your client?

4 MR. RUSSELL: Yes, on two separate occasions.

5 THE COURT: And you had the assistance of an
6 interpreter during those occasions?

7 MR. RUSSELL: Actually, your Honor, three separate
8 occasions, and at all times we had an interpreter.

9 THE COURT: This agreement, Court Exhibit 2, is that
10 the entirety of the understanding your client has reached with
11 the Government?

12 MR. RUSSELL: Yes, outside of the change in dates.

13 THE COURT: And to be clear, the change in dates is
14 reflected in the agreement that your client has signed?

15 MR. RUSSELL: That is correct.

16 THE COURT: And the change in date the Government
17 has previously represented is only to the day on which today's
18 proceeding is taking place; is that correct, Mr. Russell, to
19 your understanding?

20 MR. RUSSELL: That is correct.

21 THE COURT: Mr. Zeng, is there any particular
22 provision or topic that you didn't understand that you need me
23 to explain in this agreement?

24 THE DEFENDANT: No.

25 THE COURT: There are certain parts of it that I'm

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1 required to explain to you, which is what I'm going to do now,
2 okay?

3 Before I do that, outside of this agreement, are
4 there any other promises that anyone has made to you that are
5 causing you to plead guilty today?

6 THE DEFENDANT: No.

7 THE COURT: So, I'm going to explain to you what the
8 minimum and maximum terms of time in prison and fines and
9 penalties can be imposed upon you for each of these counts,
10 okay?

11 The first count is the conspiracy to commit bank
12 fraud. The minimum time in prison is zero years. The maximum
13 time in prison is 30 years.

14 Now, after someone is in federal prison, they're
15 subject to what's known as supervised release. Supervised
16 release means that they're out of prison but they're under the
17 supervision of the probation department. And the probation
18 department imposes certain conditions upon the person and
19 they're supervised by the probation department, okay?

20 For this offense, you could be subject to a maximum
21 of five years of supervised release.

22 What happens if you violate any of those conditions?

23 You could be subject to an additional maximum of
24 three years in prison.

25 You're also subject to a maximum fine of \$1 million,

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1 a mandatory special assessment fee of \$100, and you're subject
2 to removal from the United States as a potential penalty.

3 Do you understand what I've explained for this
4 count?

5 THE DEFENDANT: Yes.

6 THE COURT: For Count Eight, conspiracy to operate
7 an unlicensed money-transmitting business, the time in prison
8 goes from a minimum of zero years to a maximum of five years.
9 The supervised release, the maximum is three years. And if
10 you violate a condition, you can be subject to an additional
11 two years in prison.

12 The fine here is the greater of \$250,000 or twice
13 the gross gain or gross loss from your offense, whichever of
14 those amounts is greater.

15 You're subject to an obligation of forfeiture, which
16 means giving up rights to certain property or money, which I
17 will describe in detail in a moment.

18 You're also subject to a \$100 special assessment fee
19 that's mandatory.

20 And a penalty for this crime is also potentially
21 removal from the United States.

22 Do you understand what I've explained, sir?

23 THE DEFENDANT: Yes.

24 THE COURT: The money laundering conspiracy count,
25 which is Count Eleven, the minimum time in prison is zero

1 years, the maximum time in prison is ten years. The
2 supervised release, the maximum you could be on supervised
3 release for this offense is three years, and you could be
4 subject to an additional two years in prison if you violate a
5 condition of your release.

6 The fine is the same as the prior offense that I
7 described, which is the greater of \$250,000 or twice the gross
8 gain or twice the gross loss.

9 You're also subject to what's known as a restitution
10 obligation. Those are payments to victims to compensate them
11 for their losses, and that's in an amount that the Court will
12 determine.

13 You are, again, subject to forfeiture, which I will
14 describe in a moment, a mandatory \$100 special assessment fee,
15 and, again, this crime could lead to your removal from the
16 United States.

17 Do you understand what I've explained, sir?

18 THE DEFENDANT: Yes.

19 THE COURT: For the conspiracy to commit passport
20 fraud, the minimum time of imprisonment is zero years, the
21 maximum time is five years. The maximum time of supervised
22 release is three years, and if you violate a term of your
23 supervised release you could be subject to an additional two
24 years in prison.

25 The maximum fine for that offense is \$250,000,

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1 you're subject to a \$100 mandatory special assessment fee, and
2 this offense can also lead to, or this crime, the penalty can
3 lead to your removal from the United States.

4 Do you understand what I've explained?

5 THE DEFENDANT: Yes.

6 THE COURT: I described four different counts and
7 penalties for four different counts. The sentence, the prison
8 sentence, could potentially run consecutively, which means one
9 after the other, after the other, after the other.

10 Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: On page four of the agreement, I'm going
13 to read the sentence to you and then explain to you what it
14 means. It's what's known as an appellate waiver.

15 It says: The Defendant agrees not to file an appeal
16 or otherwise challenge the conviction or sentence in the event
17 the Court imposes a term of imprisonment at or below 63
18 months.

19 What that says is you are agreeing that if Judge
20 DeArcy Hall imposes a sentence of 63 months or less, you're
21 agreeing that you will not challenge either your conviction or
22 your sentence.

23 Do you understand that?

24 THE DEFENDANT: What do you mean by challenge?

25 THE COURT: Meaning you will not file an appeal

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1 or --

2 THE DEFENDANT: If it's under 36 months?

3 THE COURT: 63 months.

4 THE DEFENDANT: Yes.

5 THE COURT: Do you understand that, sir?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you have any questions about what
8 I've just explained?

9 THE DEFENDANT: No.

10 THE COURT: Do you understand that under this
11 agreement, you have certain obligations or things that you
12 have to do?

13 THE DEFENDANT: Yes.

14 THE COURT: And you understand that if you don't do
15 those things, you will not be able to withdraw your guilty
16 plea?

17 In other words, if you breach this agreement, you're
18 still bound by today's guilty plea?

19 THE DEFENDANT: Yes.

20 THE COURT: There's a forfeiture obligation, which
21 means you are giving up your rights to certain property or
22 things. And specifically in this agreement, you're giving up
23 your rights to \$853,052.66 and that you will not challenge the
24 Government's ability to take those monies.

25 Do you understand that?

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1 THE DEFENDANT: Yes.

2 THE COURT: Do you understand, sir, that pleading
3 guilty today may lead to your removal from the United States?

4 THE DEFENDANT: Yes.

5 THE COURT: And do you understand that removal from
6 the United States and immigration is a separate proceeding,
7 it's not decided by Judge DeArcy Hall?

8 THE DEFENDANT: Yes.

9 THE COURT: Any other provision the Government would
10 like me to explain to Mr. Zeng?

11 MR. WEINTRAUB: No, your Honor. Thank you.

12 THE COURT: Mr. Russell?

13 MR. RUSSELL: No.

14 THE COURT: Mr. Zeng, I'm going to explain to you
15 how Judge DeArcy Hall will determine what sentence to impose
16 upon you, okay?

17 As a first step, she will consider what are known as
18 the advisory federal sentencing guidelines to determine what a
19 reasonable sentence would be in your case. The sentencing
20 guidelines are issued by a federal agency known as the United
21 States Sentencing Commission.

22 What does it mean that they're advisory?

23 The guidelines lead to a calculation of a guidelines
24 range, which means a term or range of time in prison. They're
25 advisory, meaning they're not mandatory, meaning Judge DeArcy

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1 Hall is not required to give you a prison term in that range.

2 But she is required to conduct or calculate that
3 range and they're an important part of sentencing, even if
4 she's not required to give you a sentence in that range.

5 Do you understand what I've explained?

6 THE DEFENDANT: Yes.

7 THE COURT: And have you discussed the sentencing
8 guidelines with Mr. Russell and how they might affect your
9 case?

10 THE DEFENDANT: Yes.

11 THE COURT: Now, as a second step, Judge DeArcy Hall
12 will determine whether there are any factors that allow her to
13 depart either upwardly or downwardly from the guidelines
14 calculation; in other words, impose a sentence that's either
15 more severe or less severe than the guidelines range.

16 In addition, there's a federal sentencing law and it
17 requires Judge DeArcy Hall to consider certain factors in
18 determining what your sentence should be.

19 What are those factors?

20 Those are things like what you did, your background.
21 Your facts and circumstances, in other words. And it may be
22 that what's known as a nonguidelines sentence would be
23 appropriate.

24 The bottom line of all of this is until your actual
25 date of sentencing, you cannot know with certainty what the

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1 guidelines calculation will be, whether there are grounds to
2 depart upwardly or downwardly, or whether a nonguidelines
3 sentence is appropriate in your case.

4 Do you understand what I've explained, sir?

5 THE DEFENDANT: Yes.

6 THE COURT: Now, Judge DeArcy Hall has set your
7 sentencing date currently as July 10 of 2024 at 11 in the
8 morning.

9 Now, if the parties need to get a different date,
10 you should contact Judge DeArcy Hall's chambers.

11 Mr. Zeng, I tell you that because prior to your
12 sentencing, you'll be interviewed by the probation department.
13 They will issue what is known as a presentence investigation
14 report. That will report certain facts and circumstances,
15 what you did, your background, things like that.

16 You'll have an opportunity to review that report
17 with Mr. Russell and to challenge anything contained in that
18 report. That report will also recommend a guideline range to
19 Judge DeArcy Hall.

20 Do you understand what I've explained?

21 THE DEFENDANT: Yes.

22 THE COURT: Now, despite what I've said, it's
23 important for you to know now what the potential guidelines
24 sentence may be for you based upon facts that are known now.
25 You have to understand that this is a guess that could be

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1 wrong.

2 Do you understand that we're about to give you just
3 a guess, an estimate, of the guidelines?

4 THE DEFENDANT: Yes.

5 THE COURT: What's the Government's estimate of the
6 guidelines range?

7 MR. WEINTRAUB: Would the Court like just the sort
8 of bottom line after everything, all the counts? Okay.

9 So, with acceptance of responsibility and
10 contemplating that the Defendant would also receive an
11 additional two-point reduction as a zero-point offender, the
12 Government estimates that the total adjusted offense level is
13 21, that the Defendant would be in criminal history category
14 I, which carries with it an advisory guidelines range of 37 to
15 46 months imprisonment.

16 THE COURT: Mr. Zeng, the Government estimates that
17 the guidelines range for you is 37 to 46 months.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: Now, do you understand that that
21 estimate or guess, it's not actually binding on Judge DeArcy
22 Hall, it's not even binding on the probation department or the
23 Government; do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: And do you understand that if that

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1 estimate is wrong, you cannot withdraw your guilty plea?

2 THE DEFENDANT: Yes.

3 THE COURT: Now, counsel, have you provided your
4 client with an estimate?

5 I don't need to know what it is, but have you
6 provided him with an estimate of the guidelines range?

7 MR. RUSSELL: We talked about the guideline range
8 and the estimates.

9 THE COURT: Mr. Zeng, do you understand that if your
10 lawyer's estimate of the guideline range is wrong you cannot
11 withdraw your guilty plea?

12 THE DEFENDANT: Yes.

13 THE COURT: Mr. Zeng, the point here is that Judge
14 DeArcy Hall is not bound by anything in the agreement, what
15 the Government says, what your lawyer says, the sentencing
16 guidelines range will be. She can sentence you based on her
17 interpretation and application of the guideline range and
18 sentencing law. And although she will consider the guideline
19 range calculation as one part of sentencing, she can decide
20 upon a sentence that's either more severe or less severe than
21 that range.

22 Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: Also, under the federal sentencing
25 system for individuals who are sentenced now, there is no

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1 parole board or parole commission. What that means is,
2 practically speaking, whatever sentence you receive from Judge
3 DeArcy Hall, that's going to come pretty close to the actual
4 amount of time you spend in prison and you don't have the
5 opportunity to appeal to a parole board or parole commission
6 to get out early because for individuals sentenced now in the
7 federal system there is no parole board or parole commission.

8 Do you understand that, sir?

9 THE DEFENDANT: No parole?

10 THE COURT: Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: Mr. Zeng, is there anything that you
13 want to ask me about what you're charged with, what your
14 rights are, or anything else that may not be clear?

15 THE DEFENDANT: No, thank you.

16 THE COURT: And are you ready to plead, sir?

17 THE DEFENDANT: Yes.

18 THE COURT: Mr. Russell, do you know any reason your
19 client shouldn't enter a guilty plea to Counts One, Eight,
20 Eleven, and Twenty-Eight in the indictment?

21 MR. RUSSELL: No.

22 THE COURT: Are you aware of any complete legal
23 defense to any of those charges that would prevail at a trial
24 in this case?

25 MR. RUSSELL: No.

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1 THE COURT: Mr. Zeng, how do you plead to the first
2 count, conspiracy to commit bank fraud, guilty or not guilty?

3 THE DEFENDANT: Guilty.

4 THE COURT: And how do you plead to the eighth
5 count, conspiracy to operate an unlicensed money-transmitting
6 business, guilty or not guilty?

7 THE DEFENDANT: Guilty.

8 THE COURT: And how do you plead to Count Eleven, a
9 conspiracy to commit money laundering, guilty or not guilty?

10 THE DEFENDANT: Yes, guilty.

11 THE COURT: And how do you plead to
12 Count Twenty-Eight, a conspiracy to commit passport fraud,
13 guilty or not guilty?

14 THE DEFENDANT: Guilty.

15 THE COURT: And are you making these guilty pleas
16 voluntarily and of your own free will?

17 THE DEFENDANT: Yes.

18 THE COURT: Has anyone threatened you or forced you
19 or pressured you in any way to plead guilty?

20 THE DEFENDANT: No.

21 THE COURT: And outside of the agreement we talked
22 about, has anyone made any promises that are forcing you to
23 plead guilty today?

24 THE DEFENDANT: No.

25 THE COURT: And has anyone promised you what

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1 sentence you would receive from Judge DeArcy Hall if you
2 entered a guilty plea today?

3 THE DEFENDANT: No.

4 THE COURT: Can you tell me in your own words what
5 you did that's leading you to enter -- that leads you to
6 believe you've committed these crimes?

7 I just want to make the record clear as to what's
8 happening. Mr. Zeng is reading a statement --

9 Is that correct, sir, you're reading a statement?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. So, what I'll do is you should
12 read the statement from beginning to end, and it can be then
13 translated for me in English, and if I have any follow-up
14 questions, we'll do it that way, okay?

15 THE DEFENDANT: Okay.

16 THE COURT: Go ahead, sir.

17 THE DEFENDANT: I helped create and exchange false
18 or fake passports with fake names and other information and I
19 did this with other people.

20 THE COURT: Okay. Sir, when you did this with other
21 people, did you know what you were doing?

22 THE DEFENDANT: Yes.

23 THE COURT: And was it your intention to create or
24 use or sell fake passports?

25 THE DEFENDANT: Can you repeat that?

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1 I didn't hear you.

2 THE COURT: Was it your intention or purpose to
3 create, use, or sell fake passports?

4 THE DEFENDANT: Yes.

5 THE COURT: And when did you do this, sir?

6 THE DEFENDANT: In 2021.

7 THE COURT: Where were you in -- where did this
8 happen in 2021; what borough or location in New York City?

9 THE DEFENDANT: In Brooklyn.

10 THE COURT: Can you tell me what you did or what
11 anyone else involved in this activity did to carry out your
12 plan?

13 THE DEFENDANT: Can you repeat that?

14 Are you asking me who I was doing it with?

15 THE COURT: No, I'm just asking what you did or what
16 anyone else did to carry out this plan.

17 THE DEFENDANT: I deposited money in bank using fake
18 business names for which I received money to make the deposit,
19 and I did this with other people.

20 THE COURT: That money that you deposited, how was
21 it related to the passport activity you just described?

22 THE DEFENDANT: Can you repeat that?

23 THE COURT: Sure. I'm trying to understand the
24 connection between the money you deposited and the fake
25 passports.

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1 THE DEFENDANT: I used fake passports to deposit the
2 money.

3 THE COURT: So, you used the fake passports to
4 deposit the money; is that what you said?

5 THE DEFENDANT: Yes.

6 THE COURT: And why were you depositing the money,
7 sir?

8 THE DEFENDANT: Deposit the money and then to get a
9 check.

10 THE COURT: And the money, where was it from?
11 In other words, how was it earned or created or what
12 activity did it come from?

13 THE DEFENDANT: The money was -- came from other
14 people. It was through illegal activity.

15 THE COURT: And the money -- if the money was from
16 illegal activities, what was the nature of the illegal
17 activities?

18 THE DEFENDANT: I just obtained it from other
19 people. I don't know how they obtained the money.

20 It was used to get checks.

21 THE COURT: But you understood that the money or the
22 proceeds were from illegal activity, though?

23 THE DEFENDANT: Yes.

24 THE COURT: And was this taking the money and
25 depositing it, was it part of some business?

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1 THE DEFENDANT: It was to get bank checks for other
2 people and then make, like, a profit.

3 THE COURT: What I'm asking is were you doing this
4 by yourself or doing it with other people?

5 THE DEFENDANT: I did it with other people.

6 THE COURT: And were you or any of the other people
7 operating any kind of business or was it part of just a plan
8 that some people came up with?

9 THE DEFENDANT: It was a plan that other people
10 thought of, came up with.

11 THE COURT: And the banks that you deposited the
12 money with, where were they?

13 THE DEFENDANT: The bank? They were in Brooklyn.

14 THE COURT: Do you know any of the names of the
15 banks?

16 THE DEFENDANT: I just know Bank of America.

17 THE COURT: When you did this and you joined in this
18 activity, did you understand that the purpose was to mislead
19 or defraud the bank?

20 THE DEFENDANT: I didn't know in the beginning but I
21 know that now.

22 THE COURT: And what were the amounts involved in
23 the deposits?

24 THE DEFENDANT: The money deposited was more than
25 \$10,000.

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1 THE COURT: Does the Government believe any other
2 follow-up is necessary?

3 MR. WEINTRAUB: May I have a minute to confer with
4 my colleague?

5 (Pause in proceedings.)

6 MR. WEINTRAUB: Can we also confer with Mr. Russell?

7 (Pause in proceedings.)

8 THE COURT: I should say there are questions I have
9 stipulations about that I'm happy to do first or we could do
10 any questions you believe --

11 MR. WEINTRAUB: Sure. One thing that I was going to
12 ask if the Court wanted to do would be to maybe direct
13 Mr. Zeng's attention to certain overt acts for the 371 counts
14 to just establish at least one of those on the record.

15 THE COURT: Okay.

16 MR. WEINTRAUB: To the extent he knows or can
17 confirm, can recall being involved in one of those overt acts.

18 There is an overt act that relates specifically to
19 him to each of the 371 counts.

20 THE COURT: Okay.

21 Mr. Zeng, the Government has alleged that on or
22 about February 22, 2022, you obtained a cashier's check from
23 the Manhattan branch of a bank and it was in the amount of
24 \$20,000.

25 Did you, in fact, do that?

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1 THE DEFENDANT: No.

2 THE COURT: At any point did you obtain a cashier's
3 check or a check from a bank in Manhattan?

4 THE DEFENDANT: After I was arrested, I never
5 touched any of that, so...

6 THE COURT: Before you were arrested, you mentioned
7 obtaining a check or checks from banks.

8 Can you give me a date on which you might have done
9 it, approximately, even if it's just a month and a year?

10 THE DEFENDANT: I did obtain it, but I don't
11 remember exactly which month or which day.

12 THE COURT: I don't need the exact day, but do you
13 have an approximate month in which that took place?

14 THE DEFENDANT: I did these acts in Brooklyn, New
15 York, and I knew my actions were illegal when I did them
16 during the period of January 2021 to July 2022.

17 THE COURT: I understand that. I'm asking a
18 different, more specific question.

19 I'm just trying to establish on what specific -- one
20 specific instance, some more detail about what you did.
21 That's all I'm trying to do.

22 MR. WEINTRAUB: Your Honor, if I may show
23 Mr. Russell a document.

24 THE COURT: Sure, you may do that.

25 (Pause in proceedings.)

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1 MR. RUSSELL: So, your Honor, if you want to re-ask
2 that question.

3 THE COURT: I will.

4 Mr. Zeng, before you were arrested, did you ever
5 receive from a bank a check?

6 And can you tell me approximately when you received
7 that check and in what amount?

8 THE DEFENDANT: February 2, 2022, in the amount of
9 20,000.

10 THE COURT: And did you obtain that check as part of
11 the plan that you had just described to me?

12 THE DEFENDANT: Yes.

13 THE COURT: Now --

14 MR. WEINTRAUB: Your Honor, just so the record is
15 clear so there's not any thought upon a cold reading of the
16 record, the Government just showed Mr. Russell a photograph of
17 that check, which I believe jogged Mr. Zeng's memory that he,
18 in fact, received that check.

19 MR. RUSSELL: And I would confirm that my client's
20 inquiry upon seeing the check was trying to calculate what
21 month came before what month, whether October came before
22 February or whether February came first.

23 And, so, with that recollection, he was able to
24 articulate that this happened before he got arrested.

25 THE COURT: Mr. Zeng, is that correct, that seeing

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1 this photograph jogged your recollection and helped you
2 remember the check we just talked about?

3 THE DEFENDANT: Yes.

4 THE COURT: Now, did you ever use a forged Chinese
5 passport?

6 THE DEFENDANT: Yes.

7 THE COURT: And around July 6 of 2022, did you use a
8 forged Chinese passport to obtain checks from a bank in
9 Borough Park?

10 THE DEFENDANT: Yes.

11 THE COURT: To the best of your recollection, was
12 the amounts involved in those checks more than \$10,000?

13 THE DEFENDANT: Yes.

14 THE COURT: Now, do the parties stipulate that Bank
15 of America is an FDIC-insured bank?

16 MR. WEINTRAUB: Yes, your Honor.

17 THE COURT: Mr. Russell?

18 MR. RUSSELL: Yes.

19 THE COURT: And the parties stipulate that
20 transactions of obtaining the check, depositing the monies at
21 the banks we've talked about, Mr. Zeng, constitute
22 transactions involving interstate or foreign commerce?

23 MR. WEINTRAUB: Yes, your Honor.

24 THE COURT: Mr. Russell?

25 MR. RUSSELL: Yes.

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1 THE COURT: Is there a stipulation that the
2 transmitting of the monies that were conducted by Mr. Zeng
3 were not part of any licensed business operation?

4 MR. WEINTRAUB: Yes.

5 THE COURT: Mr. Russell?

6 MR. RUSSELL: Yes.

7 THE COURT: Mr. Zeng, is it correct that you
8 understood that when you were obtaining monies -- obtaining
9 checks and depositing monies, you weren't doing that as part
10 of any formal licensed business, right?

11 THE DEFENDANT: Correct.

12 THE COURT: Does the Government believe any
13 further --

14 MR. WEINTRAUB: Just to put on the record -- the
15 Defendant allocuted that the money that he was transacting in
16 he knew at the time was the proceeds of illegal activity.

17 The Government would just put on the record that the
18 money was the proceeds of wire fraud, which is a specified
19 unlawful activity under 18 U.S.C. 1956.

20 THE COURT: And I don't believe that for the
21 conspiracy offense that Mr. Zeng has to know that, in fact,
22 but I'm happy to have that put on the record unless you think
23 any further inquiry is required.

24 I don't believe any further inquiry is required.

25 MR. WEINTRAUB: No, thank you, your Honor.

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1 THE COURT: Does the Government otherwise believe
2 that the colloquy is sufficient?

3 MR. WEINTRAUB: Yes, your Honor.

4 THE COURT: Mr. Russell, do you agree?

5 MR. RUSSELL: I would agree.

6 THE COURT: Based on the information that's been
7 given to me, I find that Mr. Zeng is acting voluntarily, that
8 he fully understands the charges against him, his rights, the
9 consequences of his plea, and there's a factual basis for his
10 guilty plea to these four counts.

11 And it is, therefore, my recommendation to Judge
12 DeArcy Hall that she accept his guilty plea to Counts One,
13 Eight, Eleven, and Twenty-Eight in the indictment.

14 MR. RUSSELL: Your Honor, may I have one moment?

15 THE COURT: Yes.

16 (Pause in proceedings.)

17 MR. RUSSELL: Thank you.

18 THE COURT: What's the Government's position on
19 bail?

20 MR. WEINTRAUB: The Government is not seeking any
21 remand or any changes to the bail conditions.

22 THE COURT: Mr. Russell, I assume you agree as well?

23 MR. RUSSELL: I do.

24 THE COURT: Mr. Zeng, you're still being released on
25 bail and the same conditions of your bail apply to you.

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1 Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: Okay, is there anything else from the
4 Government?

5 MR. WEINTRAUB: No, your Honor.

6 THE COURT: Mr. Russell, anything else?

7 MR. RUSSELL: Nothing.

8 THE COURT: I wish you all good health. Have a nice
9 day.

10 MR. WEINTRAUB: Thank you very much, your Honor.

11
12 (Matter concluded.)

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14 * * * * *

15
16 **E X H I B I T S**

17
18 Court Exhibit 1

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19 Court Exhibit 2

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